

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 401
Committee Substitute Favorable 4/9/01

Short Title: Comm. Coll. System Office Flexibility-AB.

(Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE BUDGET FLEXIBILITY TO THE COMMUNITY
3 COLLEGES SYSTEM OFFICE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115D-3 reads as rewritten:

6 "**§ 115D-3. Community Colleges System Office; staff.**

7 (a) The Community Colleges System Office shall be a principal administrative
8 department of State government under the direction of the State Board of Community
9 Colleges, and shall be separate from the free public school system of the State, the State
10 Board of Education, and the Department of Public Instruction. The State Board has
11 authority to adopt and administer all policies, regulations, and standards which it deems
12 necessary for the operation of the System Office.

13 The State Board shall elect a President of the North Carolina System of Community
14 Colleges who shall serve as chief administrative officer of the Community Colleges
15 System Office. The compensation of this position shall be fixed by the State Board from
16 funds provided by the General Assembly in the Current Operations Appropriations Act.

17 The President shall be assisted by such professional staff members as may be
18 deemed necessary to carry out the provisions of this Chapter, who shall be elected by
19 the State Board on nomination of the President. The compensation of the staff members
20 elected by the Board shall be fixed by the State Board of Community Colleges, upon
21 recommendation of the President of the Community College ~~College~~ Colleges System, from
22 funds provided in the Current Operations Appropriations Act. These staff members shall
23 include such officers as may be deemed desirable by the President and State Board.
24 Provision shall be made for persons of high competence and strong professional
25 experience in such areas as academic affairs, public service programs, business and
26 financial affairs, institutional studies and long-range planning, student affairs, research,
27 legal affairs, health affairs and institutional development, and for State and federal
28 programs administered by the State Board. In addition, the President shall be assisted by
29 such other employees as may be needed to carry out the provisions of this Chapter, who

1 shall be subject to the provisions of Chapter 126 of the General Statutes. The staff
2 complement shall be established by the State Board on recommendation of the President
3 to insure that there are persons on the staff who have the professional competence and
4 experience to carry out the duties assigned and to insure that there are persons on the
5 staff who are familiar with the problems and capabilities of all of the principal types of
6 institutions represented in the system. The State Board of Community Colleges shall
7 have all other powers, duties, and responsibilities delegated to the State Board of
8 Education affecting the Community Colleges System Office not otherwise stated in this
9 Chapter. The President may, with the approval by the State Board, establish and abolish
10 employment positions within the staff of the System Office in accordance with:

- 11 (1) State personnel policies and procedures if these positions are subject to
12 the State Personnel Act and if the System Office is operating under the
13 terms of a Performance Agreement or a Decentralization Agreement
14 authorized under Chapter 126 of the General Statutes; or
15 (2) Policies and procedures of the State Board of Community Colleges if
16 these positions are exempt from the State Personnel Act.

17 The results achieved by establishing and abolishing positions pursuant to the conditions
18 set forth in subdivision (1) of this subsection shall be subject to postauditing by the
19 Office of State Personnel. Implementation of personnel actions shall be subject to the
20 availability of funds within the System Office's current budget to fund the full-
21 annualized costs of these actions.

22 (b) The State Board shall receive General Fund appropriations made by the
23 General Assembly for the continuing operations of the North Carolina Community
24 Colleges System Office that are administered by the President and the President's staff
25 complement established pursuant to this section. The President, notwithstanding G.S.
26 143-23, and with respect to the foregoing appropriations, may move funds between
27 budget purposes, and may use up to ten percent (10%) from lapsed salary and fringe
28 accounts for nonsalary purposes. Notwithstanding G.S. 143-64.20, 143-64.21, and 143-
29 64.22, the State Board may authorize the President to employ such consultants as may
30 be necessary to respond to legislative directives for studies and to revise, from time to
31 time, the multiple operating formulae within the 'State Aid' fund 1600. The Community
32 Colleges System Office (Budget Code 16800) may retain one hundred percent (100%)
33 of its overhead receipts for nonrecurring expenditures that do not impose a continuing
34 obligation upon the State. These retained overhead receipts shall not revert to the State's
35 General Fund.

36 (c) The President, in consultation with the State Auditor and the Director of the
37 Office of State Personnel, shall ascertain that the management staff and internal
38 financial controls are in place and continue in place to successfully administer the
39 additional authority authorized herein. All actions taken by the President are subject to
40 audit by the State Auditor."

41 **SECTION 2.** This act is effective when it becomes law.